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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,292	03/25/2004	Peter Woll	MB 389	6052

7590 01/31/2005

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EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/809,292

**Applicant(s)**

WOLL, PETER

**Examiner**

Thomas J. Williams

**Art Unit**

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/25/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

### **DETAILED ACTION**

1. Acknowledgment is made in the receipt of the information disclosure statement filed March 25, 2004 and the oath filed June 11, 2004.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on September 25, 2001. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

#### ***Specification***

3. The abstract of the disclosure is objected to because in line 12 "seris" should be changed to "series". Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

4. Claims 1- are objected to because of the following informalities:

claim 1 lines 19 and 24, "a displacer assembly" should be rewritten as "the displacer assembly" or "said displacer assembly";

claim 1 line 30, "the interconnected sides" is not clearly set forth in the claim, lines 25-27 should be rewritten to more clearly distinguish the interconnected side of the connecting valve;

claim 1 line 45, "a first" should be rewritten as "the first" or "said first";

claim 5 line 3, "a displacer assembly" should be rewritten, such as "at least one of the displacer assemblies";

claim 6 line 2, "the line path" should be rewritten to "a line path". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,588,718 to Winner et al.

Re-claim 1, Winner et al. discloses a hydraulic braking system comprising: a low pressure side hydraulic reservoir 7; a primary pressure source 25; an auxiliary pressure source 6 independent of the primary pressure source and actuated by an operator; displacer assemblies 8-11; normally closed controllable inlet valves 72 each assigned to a displacer assembly for providing connection between the primary pressure source and the displacer assembly; normally open connecting valves 70 assigned to each displacer assembly, valves 70 are parallel to the inlet valve 72; a normally closed outlet valve 56 is assigned to each axle and is arranged between the reservoir 7 and the connecting valves 70; normally open separating valves 54 are assigned to each axle and are arranged parallel to the normally closed outlet valves 56 between the auxiliary pressure source 6 and the connecting valves 70.

Re-claims 2 and 3, the first axle is a front axle and the second axle is a rear axle.

Re-claim 4, the valves are seat controlled valves, interpreted as valves having a valve element adjacent a valve seat (as known in the art, see also figures 2 and 3).

Re-claim 5, hydraulic fluid is capable of being conducted back towards the auxiliary pressure source due to lifting play at the displacer assembly, note the normal conditions of valves

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54 and 70, they are in a position for fluid communication between the displacer assembly and the auxiliary pressure source during non-braking periods.

Re-claims 6 and 7, as known in the art the reservoir and master cylinder are located nearer the top portion of car (just under the hood), whereas the connections or line paths extend down towards the brake cylinders, as such it seems inherent that air, gas, and vapor bubbles will travel up to the reservoir and master cylinder (auxiliary pressure source) due to buoyancy, since air, gas, and vapor bubbles will have a lower density than the hydraulic fluid. Just as air, gas and vapor bubbles travel upward in water.

Re-claim 8, at the end of a braking maneuver valve 56 is closed and valve 54 is opened, thus allowing the backflow of gases and fluid during periods of lifting play.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Campau et al., Shimura et al., Sawada, Binder et al., and Niepelt et al. teach a brake system having an auxiliary pressure source and primary pressure source, the primary pressure source is connected to an actuator by a normally closed inlet valve.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346 (after April 2005 the new telephone number will be 571-272-7128). The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at (703) 308-3668 (after April 2005 the new telephone

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number will be 571-272-7099). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

January 27, 2005

THOMAS WILLIAMS  
PATENT EXAMINER

Thomas Williams

1-27-05

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